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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,135	06/27/2003	David K. Lewis	18189K-013010US	6736

20350 7590 05/30/2007  
TOWNSEND AND TOWNSEND AND CREW, LLP  
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SAN FRANCISCO, CA 94111-3834

EXAMINER
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EL ARINI, ZEINAB

ART UNIT	PAPER NUMBER
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1746

MAIL DATE	DELIVERY MODE
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05/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/609,135

**Applicant(s)**

LEWIS ET AL.

**Examiner**

Zeinab E. EL-Arini

**Art Unit**

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/10/07 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (3,811,148) in combination with Gallo ( 5,858,435).

1. Martin discloses screw conveyor steamer for scallop processing.

The reference discloses transporting the produce on a conveyor (80), and applying steam to the outer surface of produce. See the abstract, col. 2, lines 5-30, and Fig. 1 and claim 1. The reference does not teach transporting the produce on a translating and rotating roller bed conveyor as claimed.

***Gallo discloses a method of cleaning and preparing a quantity of produce that includes the steps of placing the produce on a roller conveyor 10, and rotating it so as to expose all sides thereof. See the abstract, Fig. 1, col. 2, line 66-col. 3, line 5.***

***It would have been obvious for one skilled in the art to replace the screw conveyor taught by Martin by the roller bed conveyor taught by Gallo to obtain the claimed process, because both conveyors are used for translating and rotate the produce.***

2. Claims 2, and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (3,811,148) in combination with Gallo ( 5,858,435), and Ecker (6,148,989).

3. Martin discloses screw conveyor steamer for scallop processing.

The reference discloses transporting the produce on a conveyor (80), and applying steam to the outer surface of produce. See the abstract, col. 2, lines 5-30, and Fig. 1 and claim 1.

Martin does not teach the rotating roller bed conveyor, the pressure, and washing the produce on the conveyor before applying steam as claimed.

***Gallo discloses a method of cleaning and preparing a quantity of produce that includes the steps of placing the produce on a roller conveyor 10, and rotating it so as to expose all sides thereof. See the abstract, Fig. 1, col. 2, line 66-col. 3, line 5.***

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***It would have been obvious for one skilled in the art to replace the screw conveyor taught by Martin by the roller bed conveyor taught by Gallo to obtain the claimed process, because both conveyors are used for translating and rotating the produce.***

Ecker discloses a method and an apparatus for cleaning produce. The reference discloses washing, rinsing, and sanitizing the produce. The reference also discloses rotating the produce during transporting the produce on a conveyor. See the abstract, figs. 3, and 6, col. 4, lines 21-36, and col. 8, line 45-27.

It would have been obvious for one skilled in the art to wash the produce before applying steam to improve the cleaning process, since Ecker discloses more than one treating station for treating a produce.

Martin and Ecker do not teach the pressure as claimed.

It would have been obvious for one skilled in the art to adjust the pressure of the applied steam to obtain optimum results.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2251541 (GB'541) in combination with Gallo and Ecker.

GB'541 discloses a method for preparing container comprising transporting the container, applying steam to the outer surface of the container. The reference does not teach the rotating, the washing and the pressure as claimed.

***Gallo discloses a method of cleaning and preparing a quantity of produce that includes the steps of placing the produce on a roller conveyor 10, and rotating it so as to expose all sides thereof. See the abstract, Fig. 1, col. 2, line 66- col. 3, line 5.***

It would have been obvious for one skilled in the art to use the rotating roller bed conveyor taught by Gallo in the GB'541 to obtain the claimed process, and improving the cleaning process.

Ecker discloses a method and an apparatus for cleaning produce. The reference discloses washing, rinsing, and sanitizing the produce. The reference also discloses rotating the produce during transporting the produce on a conveyor. See the abstract, figs. 3, and 6, col. 4, lines 21-36, and col. 8, line 45-27.

It would have been obvious for one skilled in the art to wash the produce before applying steam to improve the cleaning process, and rotating the container to improve the cleaning process, since Ecker discloses more than one treating station for treating a produce.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeinab E. EL-Arini whose telephone number is (571) 272-1301. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Zeinab E. EL-Arini  
Primary Examiner  
Art Unit 1746

ZEE

5/17/07